

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1700

96TH GENERAL ASSEMBLY

5002L.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and 589.414, RSMo, and to enact in lieu thereof nine new sections relating to sex offender registration, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and
2 589.414, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as
3 sections 43.650, 589.400, 589.401, 589.402, 589.403, 589.405, 589.407, 589.410, and 589.414,
4 to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on
2 the internet which shall be open to the public and shall include a registered sexual offender
3 search capability.

4 2. **Except as provided in subsections 5, 6, and 7 of this section**, the registered sexual
5 offender search shall make it possible for any person using the internet to search for and find the
6 information specified in subsection 4 of this section, if known, on offenders registered in this
7 state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted
8 of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit
9 sexual offenses shall be included on this website].

10 3. The registered sexual offender search shall include the capability to search for sexual
11 offenders by name, zip code, and by typing in an address and specifying a search within a certain
12 number of miles radius from that address.

13 4. Only the information listed in this subsection shall be provided to the public in the
14 registered sexual offender search:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (1) The name and any known aliases of the offender;
16 (2) The date of birth and any known alias dates of birth of the offender;
17 (3) A physical description of the offender;
18 (4) The residence[, temporary, work, and school addresses] **address** of the offender,
19 including the street address, city, county, state, and zip code;
20 (5) [Any photographs of the offender] **A current photograph of the individual, which**
21 **shall be taken by the registering official;**
22 (6) [A physical description of the offender's vehicles, including the year, make, model,
23 color, and license plate number;
24 (7)] The nature and dates of all offenses qualifying the offender to register;
25 [(8)] (7) The date on which the offender was released from the department of mental
26 health, prison, or jail, or placed on parole, supervised release, or probation for the offenses
27 qualifying the offender to register;
28 [(9)] (8) Compliance status of the offender with the provisions of section 589.400 to
29 589.425; and
30 [(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such
31 online identifiers shall not be included in the general profile of an offender on the webpage and
32 shall only be available to a member of the public by a search using the specific online identifier
33 to determine if a match exists with a registered offender; **and**
34 **(10) The status of the offender's term of incarceration, probation, or parole.**
35 **5. Notwithstanding the requirement to register under the provisions of sections**
36 **589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when**
37 **the victim was under the age of eighteen under section 565.120 or kidnapping of a**
38 **nonsexual nature when the victim was under the age of eighteen under section 565.110 are**
39 **exempt from the public notification requirements of this section if:**
40 **(1) There is no other offense for which the offender is required to register;**
41 **(2) The offender is not a repeat offender as a result of multiple adjudications for**
42 **the offenses listed in this subsection; and**
43 **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
44 **conduct occurred during the offense.**
45 **6. Witnesses afforded federal protection who are required to register under the**
46 **provisions of sections 589.400 to 589.425 shall be excluded from the website under 18**
47 **U.S.C. Section 3521 et seq., while under active federal protection.**
48 **7. Juveniles required to register under section 589.400 shall be excluded from the**
49 **website.**

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
3 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
4 to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual
5 trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is
6 a minor, unless such person is [exempted] **exempt** from registering under subsection **6, 8, or 10**
7 of this section; or

8 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
9 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
10 to commit one or more of the following offenses: kidnapping when the victim was a child and
11 the defendant was not a parent or guardian of the child; abuse of a child under section 568.060
12 when such abuse is sexual in nature; felonious restraint when the victim was a child and the
13 defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a
14 resident of a nursing home, under section 565.200; endangering the welfare of a child under
15 section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child,
16 under section 568.065; promoting prostitution in the first degree; promoting prostitution in the
17 second degree; promoting prostitution in the third degree; sexual exploitation of a minor;
18 promoting child pornography in the first degree; promoting child pornography in the second
19 degree; possession of child pornography; furnishing pornographic material to minors; public
20 display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity
21 in the first degree; promoting pornography for minors or obscenity in the second degree; incest;
22 use of a child in a sexual performance; or promoting sexual performance by a child; or

23 (3) Any person who, since July 1, 1979, has been committed to the department of mental
24 health as a criminal sexual psychopath; or

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to
29 committing, attempting to commit, or conspiring to commit a felony under chapter 566 which
30 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which
31 shall include any attempt or conspiracy to commit such offense; **or**

32 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
33 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
34 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;
35 **or**

36 (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
37 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state,

38 **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military
39 jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if
40 committed in this state, would be a violation of chapter 566, or a felony violation of any offense
41 listed in subdivision (2) of this subsection or has been or is required to register in another state,
42 **territory, the District of Columbia, or foreign country**, or has been or is required to register
43 under tribal, federal, or military law; or

44 (8) Any person who has been or is required to register in another state, **territory, the**
45 **District of Columbia, or foreign country**, or has been or is required to register under tribal,
46 federal, or military law and who works or attends an educational institution, whether public or
47 private in nature, including any secondary school, trade school, professional school, or institution
48 of higher education on a full-time or on a part-time basis or has a temporary residence in
49 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
50 period.

51 2. Any person to whom sections 589.400 to 589.425 apply shall, within [three] **five**
52 **business** days of [conviction] **adjudication**, release from incarceration, or placement upon
53 probation, register with the chief law enforcement official of the county or city not within a
54 county in which such person resides unless such person has already registered in that county for
55 the same offense. **For any juvenile described in subdivision (6) of subsection 1 of this**
56 **section, within five business days of adjudication or release from commitment to the**
57 **division of youth services, the department of mental health, or other placement, he or she**
58 **shall register with the chief law enforcement official of the county or city not within a**
59 **county in which such person resides unless such person has already registered in that**
60 **county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not
61 currently registered in their county of residence shall register with the chief law enforcement
62 official of such county or city not within a county within [three] **five business** days. The chief
63 law enforcement official shall forward a copy of the registration form required by section
64 589.407 to a city, town, village, or campus law enforcement agency located within the county
65 of the chief law enforcement official[, if so requested. Such request may ask the chief law
66 enforcement official to forward copies of all registration forms filed with such official. The chief
67 law enforcement official may forward a copy of such registration form to any city, town, village,
68 or campus law enforcement agency, if so requested].

69 3. The registration requirements of sections 589.400 through 589.425 are lifetime
70 registration requirements unless:

71 (1) All offenses requiring registration are reversed, vacated or set aside;

72 (2) The registrant is pardoned of the offenses requiring registration **in the state of**
73 **Missouri, or if not in Missouri, pardoned in another state, territory, the District of**

Columbia, or foreign country and the pardon explicitly states that the person is relieved of his or her duty to register as a sexual offender;

(3) The registrant is **exempt or is** no longer required to register [and his or her name shall be removed from the registry] under the provisions of subsection 6, **8, or 10** this section; or

(4) The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal [or exemption] of such person from the registry **under subsection 7, 9, or 10 of this section or section 589.401.**

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. **Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

(1) **Felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child; or**

(2) **Nonsexual child abuse that was committed under section 568.060; or**

(3) **Kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child,**

shall be exempt from registering as a sexual offender; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry **or who otherwise would be required to register** for [being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child] **any offense listed in subsection 6 of this section** shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

8. **Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

- 110 **(1) Sexual misconduct in the second degree under section 566.093; or**
111 **(2) Sexual misconduct in the third degree under section 566.095; or**
112 **(3) Promoting obscenity in the first degree under section 573.020; or**
113 **(4) Promoting obscenity in the second degree under section 573.030; or**
114 **(5) Furnishing pornographic materials to minors under section 573.040; or**
115 **(6) Public display of explicit sexual material under section 573.060; or**
116 **(7) Coercing acceptance of obscene material under section 573.065,**

117
118 **shall be exempt from registering as a sexual offender; except that, such person shall remain**
119 **on the sexual offender registry for any other offense for which he or she is required to**
120 **register under sections 589.400 to 589.425.**

121 **[7.] 9.** Any person currently on the sexual offender registry **or who otherwise would be**
122 **required to register** for [having been convicted of, found guilty of, or having pleaded guilty or
123 nolo contendere to committing, attempting to commit, or conspiring to commit promoting
124 prostitution in the second degree, promoting prostitution in the third degree, public display of
125 explicit sexual material, statutory rape in the second degree, and no physical force or threat of
126 physical force was used in the commission of the crime may file a petition in the civil division
127 of the circuit court in the county in which the offender was convicted or found guilty of or pled
128 guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the
129 offense or offenses for the removal of his or her name from the sexual offender registry after ten
130 years have passed from the date he or she was required to register] **any offense listed in**
131 **subsection 8 of this section shall be removed from the registry; except that, such person**
132 **shall remain on the sexual offender registry for any other offense for which he or she is**
133 **required to register under sections 589.400 to 589.425.**

134 **[8.] 10.** Effective August 28, 2009, any person on the sexual offender registry for having
135 been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense
136 included under subsection 1 of this section may file a petition after two years have passed from
137 the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the
138 offense or offenses in the civil division of the circuit court in the county in which the offender
139 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
140 removal of his or her name from the registry if such person was nineteen years of age or younger
141 and the victim was thirteen years of age or older at the time of the offense and no physical force
142 or threat of physical force was used in the commission of the offense, unless such person meets
143 the qualifications of this subsection, and such person was eighteen years of age or younger at the
144 time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a
145 violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,

146 in which case, such person may immediately file a petition to remove or exempt his or her name
147 from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere
148 to such offense.

149 [9.] **11.** (1) The court may grant such relief under subsection [7 or 8] **9 or 10** of this
150 section if such person demonstrates to the court that he or she has complied with the provisions
151 of this section and is not a current or potential threat to public safety. The prosecuting attorney
152 in the circuit court in which the petition is filed must be given notice, by the person seeking
153 removal or exemption from the registry, of the petition to present evidence in opposition to the
154 requested relief or may otherwise demonstrate the reasons why the petition should be denied.
155 Failure of the person seeking removal or exemption from the registry to notify the prosecuting
156 attorney of the petition shall result in an automatic denial of such person's petition. If the
157 prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify
158 the victim of the crime for which the person was required to register of the petition and the dates
159 and times of any hearings or other proceedings in connection with that petition.

160 (2) If the petition is denied, such person shall wait at least twelve months before
161 petitioning the court again. If the court finds that the petitioner is entitled to relief, which
162 removes or exempts such person's name from the registry, a certified copy of the written findings
163 or order shall be forwarded by the court to the chief law enforcement official having jurisdiction
164 over the offender and to the Missouri state highway patrol in order to have such person's name
165 removed or exempted from the registry.

166 [10.] **12.** Any nonresident worker or nonresident student shall register for the duration
167 of such person's employment or attendance at any school of higher education [and is not entitled
168 to relief under the provisions of subsection 9 of this section]. Any registered offender from
169 another state who has a temporary residence in this state and resides more than seven days in a
170 twelve-month period shall register for the duration of such person's temporary residency [and is
171 not entitled to the provisions of subsection 9 of this section].

172 [11.] **13.** Any person whose name is removed or **who is** exempted from the sexual
173 offender registry under subsection [7 or 8] **6, 7, 8, 9, or 10** of this section shall [no longer] **not**
174 be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such
175 person is required to register for committing another offense after being removed from the
176 registry.

177 **14. Individuals that are not currently registered due to being adjudicated of a**
178 **sexual offense prior to the initial enactment of state or federal sex offender registry**
179 **legislation shall only be required to register for their original offense if the person is**
180 **currently incarcerated or under supervision of the Missouri department of corrections for**
181 **a sexual offense.**

589.401. 1. Any person on the sexual offender registry may file a petition in the division of the circuit court in the county in which the offense requiring registration was adjudicated to have his or her name and information removed from the sexual offender registry; except that, any person having multiple offenses requiring registration under sections 589.400 to 589.425 shall not be eligible for removal from the registry until all applicable time requirements under subsections 2 and 3 of this section for all such offenses have elapsed. If the offense requiring registration was adjudicated in another state, the District of Columbia, a foreign country, or a territory, tribal, or military jurisdiction such person may file a petition in the division of the circuit court in the county in which such person resides.

2. A person who is required to register under the provisions of sections 589.400 to 589.425 for any of the following offenses or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if twenty years has not elapsed since the date the person was required to register:

(1) Kidnapping when a sexual offense under chapter 566 was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under chapter 566 and when the victim was less than eighteen years of age and excluding kidnapping by a parent or guardian under section 565.110;

(2) Child kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under section 565.115;

(3) Forcible rape under section 566.030;

(4) Forcible sodomy under section 566.060;

(5) Sexual trafficking of a child under section 566.212;

(6) Sexual trafficking of a child under the age of twelve, under section 566.213; or

(7) Child molestation in the first degree when it is a class A felony under section 566.067.

3. A person who is required to register under the provisions of sections 589.400 to 589.425 for any offense other than those listed in subsection 2 of this section or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if ten years has not elapsed since the date the person was required to register.

35 **4. (1) Any person convicted in any other state, territory, or the District of**
36 **Columbia, or foreign country, or federal, tribal, or military jurisdiction shall not be eligible**
37 **for removal from the registry unless such person:**

38 **(a) In addition to meeting the twenty-year time requirement under subsection 2 of**
39 **this section, is a resident of this state for one year immediately preceding the filing of the**
40 **petition; or**

41 **(b) In addition to meeting the ten-year time requirement under subsection 3 of this**
42 **section, is a resident of this state for one year immediately preceding the filing of the**
43 **petition.**

44 **(2) Any person otherwise exempt from registration under other applicable**
45 **provisions of state law shall not be required to petition for removal from the registry under**
46 **subsection 2 or 3 of this section.**

47 **5. The petition shall be dismissed without prejudice if it fails to include any of the**
48 **following:**

49 **(1) The petitioner's:**

50 **(a) Full name;**

51 **(b) Sex;**

52 **(c) Race;**

53 **(d) Date of birth;**

54 **(e) Last four digits of the Social Security number;**

55 **(f) Address;**

56 **(g) Place of employment, school, or volunteer status;**

57 **(2) The offense that required the petitioner to register;**

58 **(3) The date the petitioner pled to, was convicted of, or was adjudicated for the**
59 **offense;**

60 **(4) The date the petitioner was required to register;**

61 **(5) The date the petitioner actually registered;**

62 **(6) The case number and court, including county, that entered the original order**
63 **for the adjudicated sex offense;**

64 **(7) The petitioner's fingerprints on an applicant fingerprint card;**

65 **(8) If the petitioner was pardoned or an offense requiring registration was reversed,**
66 **vacated, or set aside, an authenticated copy of the order; and**

67 **(9) That the petitioner is currently registered under applicable law and has not**
68 **been adjudicated for failure to register in any jurisdiction and does not have any charges**
69 **pending for failure to register.**

70 **6. The petition shall name as respondents the Missouri state highway patrol and**
71 **the chief law enforcement official in the county or city not within a county in which the**
72 **petition is filed.**

73 **7. All proceedings under this section shall be governed under the Missouri supreme**
74 **court rules of civil procedure.**

75 **8. The prosecuting attorney in the circuit court in which the petition is filed shall**
76 **be given notice, by the person seeking removal, of the petition and an opportunity to**
77 **present evidence in opposition to the facts alleged in the petition. Failure of the person**
78 **seeking removal or exemption from the registry to notify the prosecuting attorney of the**
79 **petition shall result in an automatic denial of such person's petition.**

80 **9. The prosecuting attorney in the circuit court in which the petition is filed shall**
81 **have access to all applicable records concerning the petitioner, including but not limited**
82 **to criminal history records under section 43.530, mental health records, juvenile records,**
83 **and records of the department of corrections and/or probation and parole.**

84 **10. The prosecuting attorney shall make reasonable efforts to notify the victim of**
85 **the crime for which the person was required to register of the petition and the dates and**
86 **times of any hearings or other proceedings in connection with such petition.**

87 **11. The court shall enter an order directing the removal of the petitioner's name**
88 **and information from the sexual offender registry and from any corresponding state or**
89 **local law enforcement registry or website unless it finds that the petitioner in this state or**
90 **any other state, territory, or the District of Columbia, or foreign country, or federal, tribal,**
91 **or military jurisdiction:**

92 **(1) Has been adjudicated of or has charges pending for failure to register;**

93 **(2) Has been adjudicated of any additional offense which would require**
94 **registration as a sexual offender and which occurred after the date such person initially**
95 **registered as a sexual offender;**

96 **(3) Has charges pending for any offense which would require registration as a**
97 **sexual offender;**

98 **(4) Has not successfully completed any required periods of supervised release,**
99 **probation, or parole; and**

100 **(5) Has not successfully completed all appropriate sexual offender treatment,**
101 **including any court-ordered treatment and any treatment ordered by the department of**
102 **corrections.**

103 **12. In order to prove the facts required by subdivisions (1), (2), and (3) of**
104 **subsection 11 of this section, the fingerprints filed in the case shall be examined by the**
105 **Missouri state highway patrol and the Federal Bureau of Investigation.**

106 **13. Except as provided in subsection 14 of this section, if it is found that the petition**
107 **is denied, a successive petition requesting such relief may be filed under this section one**
108 **year after the date of such denial unless such denial is based on a subsequent conviction**
109 **of a sex offense or failure to register, in which case no successive petition shall be filed.**

110 **14. If it is found that the petition is denied solely on the basis of the fact that the**
111 **petitioner has pending charges and those charges are subsequently dismissed or the**
112 **petitioner is subsequently acquitted of such pending charges, the petitioner may file a new**
113 **petition under this section at any time after the dismissal or acquittal of such pending**
114 **charges.**

115 **15. If the court finds that the petitioner is entitled to have his or her name and**
116 **information removed from the sexual offender registry, the court shall enter judgment**
117 **directing the respondents to remove the petitioner's name and information from all law**
118 **enforcement sexual offender registries and public websites within three business days of**
119 **receiving the judgment. A copy of the judgment shall be provided to the respondents**
120 **named in the petition.**

121 **16. Any person subject to judgment requiring his or her name or information to**
122 **be removed from the sexual offender registry shall not be required to register or report**
123 **under sections 589.400 to 589.425 unless such person is required to register and report for**
124 **an offense that was committed after the judgment of removal was entered.**

 589.402. 1. The chief law enforcement officer of the county or city not within a county
2 may maintain a [web page] **website** on the internet, which shall be open to the public and shall
3 include a registered sexual offender search capability.

4 **2. Except as provided by subsections 5, 6, and 7 of this section,** the registered sexual
5 offender search [shall] **may** make it possible for any person using the internet to search for and
6 find the information specified in subsection 3 of this section, if known, on offenders registered
7 in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been
8 convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring
9 to commit sexual offenses shall be included on this website].

10 **3. Only the information listed in this subsection [shall] may be provided to the public**
11 **in the registered sexual offender search:**

12 (1) The name and any known aliases of the offender;

13 (2) The date of birth and any known alias dates of birth of the offender;

14 (3) A physical description of the offender;

15 (4) The residence[, temporary, work, and school addresses] **address** of the offender,
16 including the street address, city, county, state, and zip code;

17 (5) [Any photographs of the offender] **A current photograph of the individual, which**
18 **shall be taken by the registering official;**

19 (6) [A physical description of the offender's vehicles, including the year, make, model,
20 color, and license plate number;

21 (7)] The nature and dates of all offenses qualifying the offender to register;

22 [(8)] (7) The date on which the offender was released from the department of mental
23 health, prison, or jail, or placed on parole, supervised release, or probation for the offenses
24 qualifying the offender to register;

25 [(9)] (8) Compliance status of the offender with the provisions of sections 589.400 to
26 589.425; [and]

27 [(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such
28 online identifiers shall not be included in the general profile of an offender on the webpage and
29 shall only be available to a member of the public by a search using the specific online identifier
30 to determine if a match exists with a registered offender; **and**

31 **(10) The status of the offender's term of incarceration, probation, or parole.**

32 4. The chief law enforcement officer of any county or city not within a county may
33 [publish in any newspaper distributed in the county or city not within a county the sexual
34 offender information provided under subsection 3 of this section for any offender residing in the
35 county or city not within a county] **give notice to any public school as defined in section**
36 **160.011, any private school giving instruction in a grade or grades not higher than the**
37 **twelfth grade, any child care facility licensed under chapter 210, or any child care facility**
38 **defined in section 210.201 that is exempt from state licensure but subject to state regulation**
39 **under section 210.252 and holds itself out to be a child care facility, that a sex offender is**
40 **residing, working, or attending school within a five mile radius of such school or child care**
41 **facility. Such notice shall only include the sex offender information described in subsection**
42 **3 of this section.**

43 5. Notwithstanding the requirement to register under the provisions of sections
44 589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when
45 the victim was under the age of eighteen under section 565.120 or kidnapping of a
46 nonsexual nature when the victim was under the age of eighteen under section 565.110 are
47 exempt from the public notification requirements of this section if:

48 (1) There is no other offense for which the offender is required to register;

49 (2) The offender is not a repeat offender as defined in section 589.404; and

50 (3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual
51 conduct occurred during the offense.

52 **6. Witnesses afforded federal protection who are required to register under the**
53 **provisions of sections 589.400 to 589.425 shall be excluded from the website under 18**
54 **U.S.C. Section 3521 et seq., while under active federal protection.**

55 **7. Juveniles required to register under section 589.400 shall be excluded from the**
56 **website.**

 589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**
2 **required to register under sections 589.400 to 589.425** who is paroled, discharged, or
3 otherwise released from any correctional facility of the department of corrections [or] , any
4 mental health institution, **private jail under section 221.095, or other private facility**
5 **recognized by or contracted with the department of corrections or department of mental**
6 **health** where such person was confined shall:

7 **(1) If the person plans to reside in Missouri,** be informed by the official in charge of
8 such correctional facility or mental health institution of the person's possible duty to register
9 pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to
10 sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health
11 institution shall complete the initial registration **notification at least seven days** prior to release
12 and forward the offender's registration, within three business days **of release, to the Missouri**
13 **state highway patrol and** to the chief law enforcement official of the county or city not within
14 a county where the person expects to reside upon discharge, parole or release[. When the person
15 lists an address where he or she expects to reside that is not in this state, the initial registration
16 shall be forwarded to the Missouri state highway patrol.] ; or

17 **(2) If the person does not reside or plan to reside in Missouri,** be informed by the
18 **official in charge of such correctional facility or mental health institution of the person's**
19 **possible duty to register under sections 589.400 to 589.425. If such person is required to**
20 **register under sections 589.400 to 589.425, the official in charge of the correctional facility**
21 **or the mental health institution shall complete the initial registration notification at least**
22 **seven days prior to release and forward the offender's registration within three business**
23 **days of release to the Missouri state highway patrol and chief law enforcement official**
24 **within the county that the correctional facility or mental health institution is located.**

25 **2. If the offender refuses to complete and sign the registration information as**
26 **outlined in this section or fails to register with the chief law enforcement official within five**
27 **business days as directed, such refusal or failure shall constitute an offense of failure to**
28 **register under section 589.425.**

 589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**
2 **required to register under sections 589.400 to 589.425** who is released on probation,
3 discharged upon payment of a fine, or released after confinement in a county jail shall, prior to

4 such release or discharge, be informed of the possible duty to register pursuant to sections
5 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to
6 register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall
7 [obtain the address where the person expects to reside upon discharge, parole or release and
8 shall] **make it a condition of probation that the offender** report, within [three] **five** business
9 days[, such address] to the chief law enforcement official of the county **of adjudication** or city
10 not within a county [where the person expects to reside, upon discharge, parole or release] **of**
11 **adjudication, to complete the initial registration. If such offender is not placed on**
12 **probation, the court shall:**

13 (1) **If the offender resides in Missouri, complete the initial notification of duty to**
14 **register form approved by the state judicial records committee and the Missouri state**
15 **highway patrol and forward the form within three business days to the Missouri state**
16 **highway patrol and the chief law enforcement official in the county in which the offender**
17 **resides;**

18 (2) **If the offender does not reside in Missouri, the court shall:**

19 (a) **Order the offender to proceed directly to the chief law enforcement official in**
20 **the county where the adjudication was heard to register as outlined in sections 589.400 to**
21 **589.425; and**

22 (b) **Complete the initial notification of duty to register form approved by the state**
23 **judicial records committee and the Missouri state highway patrol and forward the form**
24 **within three business days to the Missouri state highway patrol and the chief law**
25 **enforcement official in the county where the offender was adjudicated.**

26 2. **If the offender refuses to complete and sign the registration information as**
27 **outlined in subdivision (1) of subsection 1 of this section or if the offender resides outside**
28 **of Missouri and fails to directly report to the chief law enforcement official as outlined in**
29 **subdivision (2) of subsection 1 of this section, such refusal or failure shall constitute an**
30 **offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of
2 completion of an offender registration form developed by the Missouri state highway patrol **or**
3 **other format approved by the Missouri state highway patrol. Such form shall consist of a**
4 **statement in writing, including the signature of the offender and** shall include, but is not
5 limited to the following:

6 (1) [A statement in writing signed by the person, giving the name, address, Social
7 Security number and phone number of the person, the license plate number and vehicle
8 description, including the year, make, model, and color of each vehicle owned or operated by the
9 offender, any online identifiers, as defined in section 43.651, used by the person, the place of

10 employment of such person, enrollment within any institutions of higher education, the crime
11 which requires registration, whether the person was sentenced as a persistent or predatory
12 offender pursuant to section 558.018, the date, place, and a brief description of such crime, the
13 date and place of the conviction or plea regarding such crime, the age and gender of the victim
14 at the time of the offense and whether the person successfully completed the Missouri sexual
15 offender program pursuant to section 589.040, if applicable;] **The full name of the individual
16 to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used,
17 regardless of the context in which they are used;**

18 **(2) The date of birth of the individual to include any alias dates of birth used;**

19 **(3) The address of the individual's residence or, if the individual is homeless, the
20 names and addresses of habitual locales frequented during the day and night to include
21 any temporary homeless shelter or other temporary residence;**

22 **(4) The name and fixed address of the individual's employers, to include any place
23 where the individual serves as a volunteer or unpaid intern. If the individual's place of
24 employment is not fixed, the places where the individual works with whatever definiteness
25 is possible under the circumstances shall be required, such as information about normal
26 travel routes or the general areas in which the individual works;**

27 **(5) The name and address of any institutions of higher education that the individual
28 attends;**

29 **(6) The Social Security number of the individual including any alias Social Security
30 numbers used;**

31 **(7) The telephone numbers of the individual including all landline and cellular
32 telephone numbers used;**

33 **(8) The license plate number, registration number, vehicle identification number,
34 and vehicle description, including the year, make, model, color, and habitual location of
35 each vehicle owned or operated by the individual for personal or work use;**

36 **(9) Any online identifiers as defined in section 43.651 which are used by the
37 individual for personal purposes;**

38 **(10) The crime for which the individual is registering including whether the person
39 was sentenced as a persistent or predatory offender under section 558.018;**

40 **(11) The date, place, a brief description of the crime including the date and place
41 of the adjudication regarding such crime;**

42 **(12) The age and gender of the victim and the offender at the time of the offense;**

43 **(13) If the offender was required to successfully complete appropriate sexual
44 offender treatment, including any court-ordered treatment or any treatment ordered by
45 the department of corrections, the date that the offender successfully completed such**

46 treatment, or a statement, that as of the date of registration, the offender has not yet
47 successfully completed the required sexual offender treatment or has failed to successfully
48 complete the required sexual offender treatment;

49 (14) The status of the individual's parole, probation, or supervised release, if
50 applicable;

51 (15) Passport and immigration numbers to include expiration dates; and

52 (16) The physical description of the sex offender to include the physical appearance
53 or characteristics, and identifying marks such as scars, marks, or tattoos.

54 2. The following shall be included with the form:

55 [(2)] (1) The fingerprints, palm prints, and a photograph of the person; [and]

56 (2) A current photograph of the individual to be taken by the registering official;
57 and

58 (3) A DNA sample from the individual, if a sample has not already been obtained.

59 [2.] 3. The offender shall provide positive identification and documentation to
60 substantiate the accuracy of the information completed on the offender registration form,
61 including but not limited to the following:

62 (1) A photocopy of a valid driver's license or nondriver's identification card; and

63 (2) A document verifying proof of the offender's residency[; and

64 (3) A photocopy of the vehicle registration for each of the offender's vehicles].

65 4. The Missouri state highway patrol shall maintain all required registration
66 information in digitized form.

67 5. Upon receipt of any changes to an offender's registration information contained
68 in this section, the Missouri state highway patrol shall immediately notify all other
69 jurisdictions in which the offender is either registered or required to register.

70 6. The offender shall be responsible for reviewing his or her existing registration
71 information for accuracy at every regular in-person appearance and if any inaccuracies
72 are found provide proof of the information in question. The registering law enforcement
73 official shall, within three business days of receipt of proof from the offender regarding the
74 inaccuracy, correct the inaccuracy on its law enforcement registry and on its public
75 website, if any, and shall notify the Missouri state highway patrol of the change in
76 information. The Missouri state highway patrol shall, within three business days of
77 notification by the registering law enforcement official, correct the inaccuracy on its law
78 enforcement registry and on its public website.

79 7. The signed offender registration form shall serve as proof that the individual
80 understands his or her duty to register as a sexual offender under sections 589.400 to

81 **589.425, and a statement to such effect shall be included on the form that the individual is**
82 **required to sign at each registration.**

589.410. 1. The chief law enforcement official shall forward the completed offender
2 registration form to the Missouri state highway patrol within three days. The patrol shall enter
3 the information into the Missouri uniform law enforcement system (MULES) where it is
4 available to members of the criminal justice system, and other entities as provided by law, upon
5 inquiry.

6 **2. Upon receipt of each completed offender registration form, the Missouri state**
7 **highway patrol shall review the information contained in the form to determine whether,**
8 **according to the form, the offender will be working, including as a volunteer or unpaid**
9 **intern, or attending any school, whether public or private in nature, including any**
10 **secondary school, trade school, professional school, or institution of higher education, on**
11 **a full-time or part-time basis, or residing on a temporary basis for fourteen or more**
12 **consecutive days in a county or city not within a county other than the county of**
13 **registration. If so, the patrol shall, within three business days of receipt of the registration**
14 **form, notify the other jurisdictions where the offender will be working, attending school,**
15 **or temporarily residing of that information.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not
2 later than [three] **five** business days [after each change of name, residence within the county or
3 city not within a county at which the offender is registered, employment, or student status,]
4 appear in person to the chief law enforcement officer of the county or city not within a county
5 [and inform such officer of all changes in the information required by the offender. The chief
6 law enforcement officer shall immediately forward the registrant changes to the Missouri state
7 highway patrol within three business days] **if there is a change to any of the following**
8 **information:**

- 9 (1) **Name;**
10 (2) **Residence;**
11 (3) **Employment;**
12 (4) **Student status; or**
13 (5) **A termination to any of the items listed in this subsection.**

14 **2. Any person required to register under sections 589.400 to 589.425 shall, within**
15 **five business days after a change, notify the chief law enforcement officer of the county or**
16 **city not within a county of any changes to the following information:**

- 17 (1) **Vehicle information;**
18 (2) **Temporary residence information; or**

19 **(3) Email addresses, instant messaging addresses, and any other designations used**
20 **in internet communications, postings, or telephone communications.**

21 **3. The chief law enforcement official in the county or city not within a county shall**
22 **immediately forward the registration changes described in subsections 1 and 2 of this**
23 **section to the Missouri state highway patrol within three business days.**

24 **4. The Missouri state highway patrol shall review any changes received from**
25 **registering officials under subsection 3 of this section to determine whether the offender**
26 **will now be working, including as a volunteer or unpaid intern, or attending any school,**
27 **whether public or private in nature, including any secondary school, trade school,**
28 **professional school, or institution of higher education, on a full-time or part-time basis, or**
29 **residing on a temporary basis for fourteen or more consecutive days in a county or city not**
30 **within a county other than the county of registration. If so, the patrol shall, within three**
31 **business days of receipt of the changes, notify the other jurisdictions where the offender**
32 **will be working, attending school, or temporarily residing of that information.**

33 **[2.] 5. If any person required by sections 589.400 to 589.425 to register changes such**
34 **person's residence or address to a different county or city not within a county, the person shall**
35 **appear in person and shall inform both the chief law enforcement official with whom the person**
36 **last registered and the chief law enforcement official of the county or city not within a county**
37 **having jurisdiction over the new residence or address in writing within three business days of**
38 **such new address and phone number, if the phone number is also changed. If any person**
39 **required by sections 589.400 to 589.425 to register changes their state, or foreign country, or**
40 **federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall**
41 **inform both the chief law enforcement official with whom the person was last registered and the**
42 **chief law enforcement official of the area in the new state, or foreign country, or federal,**
43 **tribal, or military jurisdiction having jurisdiction over the new residence or address within**
44 **three business days of such new address. Whenever a registrant changes residence, the chief law**
45 **enforcement official of the county or city not within a county where the person was previously**
46 **registered shall inform the Missouri state highway patrol of the change within three business**
47 **days. When the registrant is changing the residence to a new state or foreign country, or**
48 **federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the**
49 **responsible official in the new state, or foreign country, or federal, tribal, or military**
50 **jurisdiction of residence within three business days.**

51 **[3. In addition to the requirements of subsections 1 and 2 of this section, the following**
52 **offenders shall report in person to the chief law enforcement agency every ninety days to verify**
53 **the information contained in their statement made pursuant to section 589.407:**

54 (1) Any offender registered as a predatory or persistent sexual offender under the
55 definitions found in section 558.018;

56 (2) Any offender who is registered for a crime where the victim was less than eighteen
57 years of age at the time of the offense; and

58 (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425
59 of failing to register or submitting false information when registering.

60 4.] **6.** In addition to the requirements of subsections 1 [and] , 2, **and 5** of this section, [all
61 registrants] **any person required to register under the provisions of sections 589.400 to**
62 **589.425 for any offense other than those listed in subsection 2 of section 589.401, or their**
63 **equivalent in any other state, territory, or the District of Columbia, or foreign country, or**
64 **under federal, tribal, or military jurisdiction**, shall report [semiannually] **annually** in person
65 in the month of their birth [and six months thereafter] to the chief law enforcement [agency]
66 **official** to verify the information contained in their statement made pursuant to section 589.407[.
67 All registrants shall allow the chief law enforcement officer to take a current photograph of the
68 offender in the month of his or her birth to the chief law enforcement agency] **and six months**
69 **thereafter shall report by mail on a form to be provided by the Missouri state highway**
70 **patrol to update any change in information or to indicate that there has been no change.**
71 **Such form shall require the signature of the offender.**

72 **7.** In addition to the requirements of subsections 1, 2, and 5 of this section, any
73 person required to register under the provisions of sections 589.400 to 589.425 for any
74 offenses listed in subsection 2 of section 589.401, or their equivalent in any other state,
75 territory, or the District of Columbia, or foreign country, or under federal, tribal, or
76 military jurisdiction, shall report semiannually in person in the month of their birth and
77 six months thereafter to the chief law enforcement official to verify the information
78 contained in their statement made under section 589.407. In addition, such offenders shall
79 report by mail ninety days after each in-person report on a form to be provided by the
80 Missouri state highway patrol to update any change in information or to indicate that there
81 has been no change. Such form shall require the signature of the offender.

82 [5.] **8.** In addition to the requirements of subsections 1 [and] , 2, **and 5** of this section,
83 all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any
84 school [or training] , **whether public or private in nature, including any secondary school,**
85 **trade school, professional school, or institution of higher education** on a full-time or
86 part-time basis in any other state shall be required to report in person to the chief law
87 enforcement officer in the area of the state where they work or attend school or training and
88 register in that state. "Part-time" in this subsection means for more than seven days in any
89 twelve-month period.

90 [6. If a person, who is required to register as a sexual offender under sections 589.400
91 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person
92 shall report such information in the same manner as a change of residence before using such
93 online identifier.]

94 **9. Whenever any person reports under the provisions of this section in person and**
95 **in the month of their birth, the registering law enforcement official shall take a current**
96 **photograph of the offender.**

✓